

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PENNY L. RUSSELL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C23-5690-RSM

ORDER GRANTING FEES UNDER THE
EQUAL ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d)

This matter comes before the Court on parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Dkt. #18.

The motion is timely, as Plaintiff had a 60-day appeal period, plus the 30-day period in § 2412(d)(1)(B), from the entry of final judgment on February 23, 2024, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); Fed. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 Having considered the party's briefing and the relevant record, the Court hereby
2 GRANTS the motion and awards Plaintiff \$8,093.38 in attorney and paralegal fees, subject to
3 any offset allowed under the Treasury Offset Program. *See Astrue v. Ratliff*, 560 U.S. 584 (2010).
4 Payment of EAJA fees shall be sent to Plaintiff's attorney by check: H. Peter Evans at Evans &
5 Evans, PC, 222 NE Park Plaza Drive, Suite 113, Vancouver, WA 98684, if the Commissioner
6 confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset
7 Program.

8 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED.

9 DATED this 13th day of June, 2024.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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15 Presented by:

16 /s/ **H. Peter Evans**
17 H. Peter Evans, WSB 56537
Attorney for Plaintiff
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